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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

CAPITOL SPECIALTY INSURANCE  
CORPORATION,

Plaintiff,

-vs-

BIG SKY DIAGNOSTIC IMAGING, LLC,

Defendant.

Case No. CV-17-54 -BLG-TJC

**AFFIDAVIT  
OF  
HARLAND WESTGATE**

STATE OF VA )  
 ) : ss.  
County of Arlington )

HARLAND WESTGATE, duly sworn upon his oath, deposes and states as  
follows:



1. I am employed as a Senior Litigation Specialist for Capitol Specialty Insurance Corporation (“Capitol Specialty”).

2. I was the claims representative assigned by Capitol Specialty to handle the defense of the malpractice suit brought by Patricia and Greg Harby. I have reviewed the billing that was incurred on behalf of Big Sky Diagnostic Imaging, LLC (“Big Sky”) in that lawsuit. I am knowledgeable about the defense provided by Capitol Specialty and the amount of money that Capitol Specialty paid in fees and costs to provide that defense to Big Sky in that matter.

3. Capitol Specialty provided and paid for Montana defense counsel to represent Big Sky in the Harby matter, including the payment of any costs incurred in that defense. Capitol Specialty retained the Crowley Fleck firm to represent Big Sky. The primary Crowley Fleck attorneys who worked on the matter were Jill Laslovich and Christopher Oliveira.

4. The total amount of attorney fees and costs that Capitol Specialty paid for the defense of Big Sky in the Harby malpractice case was \$388,047.93.

5. Capitol Specialty seeks recoupment of those fees and costs paid.

6. Capitol Specialty produced in discovery in this case the entire fee statements from the Crowley Fleck firm for its defense of Big Sky in the Harby lawsuit.

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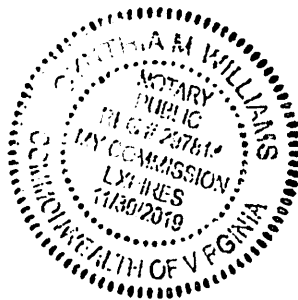
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**FURTHER YOUR AFFIANT SAYETH NAUGHT.**

DATED this 20 day of March, 2019.

  
HARLAND WESTGATE

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of March, 2019.



  
Signature

Cynthia M. Williams  
Printed Name of Notary

Notary Public for the State of VA

Residing at 1401 Wilson Blvd, Ste 700, Arlington,

My Commission expires: 11/30/2019 VA12209  
MM/DD/YYYY